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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,301

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Norman Ken Ouchi

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EXAMINER

ALMATRAHI, FARIS S

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,301

Applicant(s)

OUCHI, NORMAN KEN

Examiner

FARIS ALMATRAHI

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Application

1. This action is in reply to applicant amendment filed May 27, 2008.
2. Claims 1-8 and 10-11 have been amended.
3. Claims 9 and 18-20 have been cancelled.
4. Claims 12-17 and 21-24 are withdrawn due to non-elected restriction requirement.
5. Claims 1-8, 10-17 and 21-24 are pending.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the methods recited in claims 1-8 and 10-11 such as steps of defining a first item, defining a second item, defining a classification tree, generating a commodity code, appending suffix, defining a set of parameters, defining the compact item descriptor, querying item description field, providing catalog entry, providing a part number, providing an item description field, providing supplier name, and providing supplier part number must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Applicant is requested to review amended claims to ensure every feature is included in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 and 10-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-tangible subject matter. The claimed limitation recites "the first item and second item classify to the same leaf node with the same parameter values if and

only if the items are interchangeable" and "the first item and second item are interchangeable if and only if the compact item descriptor for the first item is the same as the compact item descriptor for the second item". The invention is not tangible because the claimed invention stipulates "if" a condition takes place. The claim makes no provision in the case when such conditions do not take place. Thus, it could be possible that there is no action by the device. Thus, there would be no tangible result, deeming the claim non-statutory.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 1-8 and 10-11** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites the limitations "defining a first item", "defining a second item", "defining the compact item descriptor for an item as the commodity code" and recites the feature "leaf node". There is no disclosure in the specification of the instant application supporting these limitations. Applicant is requested to review amended claims to ensure every feature included in the claims is supported in the specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1-8 and 10-11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. **Regarding claims 1-8 and 10-11**, the phrase "such that" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

10. **Claim 1** recites "the first item and second item classify to the same leaf node with the same parameter values if and only if the items are interchangeable" and "the first item and second item are interchangeable if and only if the compact item descriptor for the first item is the same as the compact item descriptor for the second item". The phrase "if and only if" is viewed to be vague and indefinite because it stipulates a conditional limitation. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

11. **Claim 2** recites the limitation "a materials planning system and/or Approved Manufacturing list". The phrase "and/or" is viewed to be indefinite because it is unclear if applicant is referring to both "a materials planning system" and "Approved

Manufacturing list" or to either "a materials planning system" or "Approved Manufacturing list". Similar comments in regards to use of "and/or" apply to claim 5.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 1-2 and 11**, as best understood, are rejected under 35 U.S.C 103(a) as being unpatentable over Blutinger et al. (US Patent No. 5,231,566) in view of Kavanagh et al. (US Patent No. 5,838,965).

14. Regarding Claim 1, Blutinger reads on a method comprising defining a classification tree which classifies a set of items (Abstract, Figure 2, Column 3 lines 19-37; generating a commodity code for each branch and leaf of the classification tree (Column 3 lines 19-37); and defining an item descriptor for an item as the commodity code (Column 3 lines 19-37, Column 9 line 63 – Column 10 line 15).

15. Blutinger fails to disclose a method comprising appending as a suffix a unique character or unique sub-string of characters that represent a branch or leaf node; and defining a set of parameters of each leaf node that complete the description of an item

classified at the leaf node and encode the possible value for each parameter as a character or string of characters.

16. However, Kavanagh discloses a method comprising appending as a suffix a unique character or unique sub-string of characters that represent a branch or leaf node (Column 70 lines 31-54); and defining a set of parameters of each leaf node that complete the description of an item classified at the leaf node and encode the possible value for each parameter as a character or string of characters (Column 54 line 63 – Column 55 line 40).

17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Kavanagh in the device of Blutinger reference to include a method comprising appending as a suffix a unique character or unique sub-string of characters that represent a branch or leaf node; and defining a set of parameters of each leaf node that complete the description of an item classified at the leaf node and encode the possible value for each parameter as a character or string of characters, for the advantage of allowing a user to look up and identify relevant product information.

18. Regarding Claim 2, Blutinger reads on storing the item descriptor in a material planning system (Column 5 lines 52-61).

19. Regarding Claim 11, Blutinger fails to disclose a catalog wherein the catalog is queried with an input field of an item to generate requested criteria of the item and querying a supplier suffix table.

20. However, Kavanagh discloses querying a database wherein the database is queried with an input field of an item to generate requested criteria of the item including a supplier suffix data (Column 77 lines 21-28, Column 79 lines 22-30).

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Kavanagh in the device of Blutinger reference to include a catalog wherein the catalog is queried with an input field of an item to generate requested criteria of the item and to perform querying functions of a supplier suffix table, for the advantage of allowing a user to look up and identify relevant product information.

22. **Claims 3-8 and 10**, as best understood, are rejected under 35 U.S.C 103(a) as being unpatentable over Blutinger et al. (US Patent No. 5,231,566) in view of Kavanagh et al. (US Patent No. 5,838,965) further in view of Brathwaite (US Publication No. 2003/0221172 A1).

23. Regarding Claims 3-8 and 10, Blutinger fails to disclose a method wherein the catalog is queried with an input field of an item to generate requested criteria of the item.

24. However, Brathwaite discloses querying a database wherein the database is queried with an input field of an item to generate requested criteria of the item (Abstract, [0014], [0052], [0070]).

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Kavanagh in combination with Brathwaite in the device of Blutinger reference to include a catalog wherein the catalog

is queried with an input field of an item to generate requested criteria of the item, for the advantage of allowing a user to look up and identify relevant product information.

Response to Arguments

26. Applicant's arguments filed on December 26, 2007 have been fully considered but they are not persuasive.

27. It appears that applicant is arguing that prior art does not disclose a machine readable description, a character string, that identifies an item with enough resolution to determine if the item is in the catalog and to determine interchangeable items. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a character string that identifies an item with enough resolution to determine if the item is in the catalog) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, limitation recited in the preamble (i.e. machine readable character string) is given little or no patentable weight.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571)270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Faris Almatrahi
Examiner
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FA

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627